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TRANSCRIPT OF PROCEEDINGS

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

IN THE MATTER OF:

MM DOCKET NO. 92-207

DIXIE BROADCASTING, INCORPORATED  
Decatur, Alabama

DATE OF CONFERENCE: October 21, 1992

VOLUME: 1

PLACE OF CONFERENCE: Washington, D.C.

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FREE STATE REPORTING, INC.  
Court Reporting Depositions  
D.C. Area 261-1902  
Balt. & Annap. 974-0947

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----- )  
In the matter of: )  
Dixie Broadcasting, Incorporated )  
Decatur, Alabama )  
----- )

MM Docket No. 92-207

The above-entitled matter came on for prehearing  
conference pursuant to notice before Judge Arthur I.  
Steinberg, Administrative Law Judge, at 2000 L Street, N.W.,  
Washington, D.C., in Courtroom No. 3, on Wednesday,  
October 21, 1992 at 9:00 a.m.

APPEARANCES:

On behalf of Mass Media Bureau:

GARY P. SCHONMAN, ESQUIRE  
JAMES W. SHOOK, ESQUIRE  
Federal Communications Commission  
2025 M Street, N.W.  
Suite 7212  
Washington, D.C. 20554

On behalf of Dixie Broadcasting, Incorporated:

THOMAS SCHATTENFIELD, ESQUIRE  
GERALD P. McCARTIN, ESQUIRE  
Arent, Fox, Kintner, Plotkin and Kahn  
1050 Connecticut Avenue, N.W.  
Washington, D.C. 20036-5339

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Conference Began: 9:10 a.m.	Conference Ended: 9:40 a.m.

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## P R O C E E D I N G S

1 JUDGE STEINBERG: This is a prehearing conference in MM  
2 Docket No. 92-207 involving the applications of Dixie  
3 Broadcasting, Incorporated for renewal of licenses of stations  
4 WHOS/AM and WDRM/FM in Decatur, Alabama. The Commission  
5 designated this case for hearing on September 3, 1992. By  
6 oral release September 10, 1992, the Chief Administrative Law  
7 Judge assigned the case to me and set the date of the hearing  
8 for February 2, 1993. In accordance with the Commission's  
9 policies for expediting the hearing process, the hearing date  
10 was intended to be a firm date.

11 Let me take the appearances for the parties. For Dixie  
12 Broadcasting, Incorporated?

13 MR. SCHATTENFIELD: Thomas Schattenfield and Gerald J.  
14 McCartin --

15 MR. McCARTIN: P.

16 MR. SCHATTENFIELD: P.

17 MR. McCARTIN: Gerald P. McCartin.

18 MR. SCHATTENFIELD: I usually call him McGibney, so I  
19 was pretty -- Gerald P. McCartin, Arent, Fox, Kintner, Plotkin  
20 and Kahn for Dixie Broadcasting.

21 JUDGE STEINBERG: For the Chief Mass Media Bureau?

22 MR. SHOOK: James Shook and Gary Schonman.

23 JUDGE STEINBERG: The only pleading that I have pending  
24 at this time is a request for admissions of fact and genuiness  
25

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1 of documents filed by the Mass Media Bureau on October 2,  
2 1992. A response was due to be filed on October 13, 1992, but  
3 my records show that no response has been filed. First, is  
4 this correct?

5 MR. McCARTIN: Yes, Your Honor. If I could speak to  
6 that issue for a second, just to bring you up-to-date on the  
7 status of that request. When we met with the Bureau last  
8 week, we discussed, among other things, that request and I  
9 apprised them that we had reviewed all the materials and  
10 believed that all of the filings essentially, which the  
11 request pertained to, were accurately copied and the request  
12 for admissions, except for a few pages, and I wanted to make  
13 sure that I had that accurate.

14 And I have since confirmed, at least from our file  
15 copies at our office, that with respect to seven of the people  
16 listed in one of the filings in February of 1992, there were a  
17 total of ten payroll records that were not in our file copy,  
18 but that were in the copy that were -- that was attached to  
19 the request for admissions. And so what we need to do is to  
20 just look at the file copy as filed in the Commission's public  
21 reference room and verify that yes, in fact, for some reason,  
22 our copies in our office don't include pages that we filed.  
23 It was a huge document and it's probable that some pages  
24 weren't copied for our purposes, but were actually filed with  
25 the Commission.

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1           And the names of the people are consistent with the  
2 names that we've listed in the filing, so I don't think there  
3 should be a problem. But we just have to button up that loose  
4 end.

5           MR. SCHATTENFIELD: And then we will admit.

6           MR. McCARTIN: Yeah. Otherwise, we will permit every-  
7 thing else that's in there.

8           JUDGE STEINBERG: Okay. Now, according to the rule,  
9 you had ten days to respond and the ten days was up on October  
10 13th. Of course -- it was up on the 12th, but the 13th -- the  
11 12th was a holiday, so it carries over to the 13th. Maybe  
12 there's a little mailing time in there that I didn't calcu-  
13 late.

14          MR. McCARTIN: I believe it's ten days plus three, and  
15 it would've been the 14th, which is the day that we met with  
16 the Bureau.

17          JUDGE STEINBERG: Okay. Or -- okay. Now, this is a  
18 week later and I'm hearing this for the first time, because I  
19 was prepared to say since no response had been filed, no  
20 denials had been filed or anything pursuant to the rule, the  
21 matters are deemed to be admitted, and now you're telling me  
22 though that they're not because you're still checking.

23          You should've let me know what was going on so that I  
24 -- you know, I'm sitting here saying, "Well, they didn't  
25 respond." It looks like a pretty straight forward request.

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1 These are the documents and either they are or they aren't.  
2 Okay. So basically, I'll give you to the end of the week,  
3 until Friday, and then I want -- put something in writing.

4 MR. SCHATTENFIELD: It was our view, sir, after we met  
5 with the Bureau, that we bring this to your attention today  
6 and perhaps we should've filed something.

7 JUDGE STEINBERG: Okay. Let's say file something by  
8 next Monday so you can have Friday -- you know, today, tomor-  
9 row and Friday to do whatever remaining looking you have to  
10 do.

11 MR. MCCARTIN: Thank you.

12 JUDGE STEINBERG: Okay. Now, we get to sort of a --  
13 what I consider sort of a tricky, sensitive matter and that is  
14 whether any discussions have taken place to see whether some-  
15 thing short of a hearing is necessary to resolve this case and  
16 I put that language in the -- my order prior to prehearing  
17 conference to see how creative you guys could be and I'm just  
18 wondering what, if any, discussions along that route have  
19 taken place.

20 MR. SCHATTENFIELD: Yes, sir.

21 MR. SHOOK: We have had --

22 MR. SCHATTENFIELD: Do you want to speak -- Mr. Shook  
23 could tell it better than I this morning and I can't talk at  
24 all.

25 MR. SHOOK: We have had such discussions. We both had

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1 the Milton, Florida Case in mind and we would expect that that  
2 was what you had in mind. There are four people at this point  
3 that we have identified for depositions and we feel that  
4 before there's any possibility of resolving this matter short  
5 of hearing, that those depositions need to be taken.

6 We have tentative -- tentatively scheduled those  
7 depositions for Tuesday, November 24 and Friday, December 4.  
8 So we will not be in a position to make any decision, that the  
9 matter could possibly be resolved short of hearing prior to  
10 those dates.

11 JUDGE STEINBERG: Okay. Who are the four people?

12 MR. SHOOK: The four people are the station's general  
13 manager, his wife --

14 JUDGE STEINBERG: He's the guy that signed the --

15 MR. SHOOK: He signed everything that we have.

16 MR. SCHATTENFIELD: Mack Bramlett is his name.

17 JUDGE STEINBERG: What's -- how do you -- Mack?

18 MR. SCHATTENFIELD: Mack, B-R -- I think it's -- Mack,  
19 M-A-C-K, B-R-A-M-L-E-T-T.

20 JUDGE STEINBERG: B-R-A-M--

21 MR. SCHATTENFIELD: L-E-T-T. He signed the document.

22 JUDGE STEINBERG: Okay. And who are the other people?

23 MR. SHOOK: His wife, one of their sons who presently  
24 is working at the station in the capacity of an operations  
25 manager, and the station sales manager. It may be that in

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1 | those -- when we depose those people, other names will come up  
2 | and we'll have to have some kind of further discovery. But at  
3 | this point, we believe we can cover most of the ground encom-  
4 | passed by the issues with those four people.

5 | JUDGE STEINBERG: Okay. Are the depositions going to  
6 | be here or in Alabama?

7 | MR. SHOOK: They're going to be here.

8 | MR. SCHATTENFIELD: The Bureau asked that we bring them  
9 | here and we accommodated them. Very gra-- we were very gra-  
10 | cious, Your Honor.

11 | JUDGE STEINBERG: You usually are.

12 | MR. SCHATTENFIELD: They didn't want to go to Alabama.  
13 | I don't know why. Nothing against the state. They just  
14 | didn't have the funds. I didn't mean to slam Alabama.

15 | JUDGE STEINBERG: Okay. So basically, something might  
16 | be possible, but you won't know until early next year.

17 | MR. SHOOK: Well, after the depositions, it is conceiv-  
18 | able that a motion for summary decision would be filed, in all  
19 | likelihood, by Dixie. Then, you know, we would have an oppor-  
20 | tunity to determine whether we should comment in favor of that  
21 | motion or oppose it.

22 | JUDGE STEINBERG: Okay.

23 | MR. SCHATTENFIELD: It was our feeling that, as Mr.  
24 | Shook correctly pointed out, we're not going to be rigid. If  
25 | we gave him the names of the people that we thought were

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1 involved plus a couple more and they indicated that they found  
2 more and they'd like to do that, I have no problem with that.  
3 If, in fact, it turns out that we file for summary judgement  
4 and the Bureau concurs based on what it knows, then we would  
5 probably ask for a stay of the hearing dates. But we don't  
6 know that until the depositions are taken. And whatever other  
7 discovery they want to do.

8 JUDGE STEINBERG: Okay. Now, let me just say to Mr.  
9 Schattenfield, you don't have to answer this if you don't want  
10 to, and that is the question of relief pursuant to the dis-  
11 tress sale policy. I put that in the order prior to prehear-  
12 ing conference basically to alert you to the fact that it was  
13 -- that such an option was available, which I'm sure you  
14 already knew. And I think you can -- if my memory is correct,  
15 I think you can elect to dispose of the stations pursuant to  
16 distress sale -- what is it, any time before the hearing  
17 commences? Or -- you know, this doesn't happen that often  
18 anymore and I should've done -- I should've gone into my files  
19 and refreshed my memory. Is it the election or the filing of  
20 the papers that has to be done before the commencement of the  
21 hearing?

22 MR. SHOOK: Well, certainly the election and then  
23 generally, the -- you know, the Judge would say whether or not  
24 he wanted the papers filed beforehand.

25 JUDGE STEINBERG: Okay. Now, the hearing -- the

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1 admissions session, which I've got scheduled for January 21st  
2 will be the formal --

3 MR. SHOOK: That would be the cut-off.

4 JUDGE STEINBERG: Yeah, that would be the formal  
5 commencement of the hearing. Of course, that is hearing  
6 stuff. We're admitting evidence and so I just wanted to alert  
7 you to that fact. But you know you have the option and if you  
8 don't want to get into any details, I'm not going to ask you  
9 to.

10 MR. SCHATTENFIELD: Your Honor, I've been down to the  
11 station. I went with some preconceived notions which proved  
12 to be totally inaccurate. I'm not arguing my case here, but  
13 that's not an option. This station is this man's life. He's  
14 done nothing since 1966 but work at this station. He doesn't  
15 take -- it's his life, so that's not an option that I think he  
16 could possibly take. He and his family, that's it.

17 JUDGE STEINBERG: Okay. Now, it seems to me that, from  
18 reading the hearing designation order, that this is sort of an  
19 ideal case for the submission of a stipulated set of facts.  
20 Now, it seems to me that there doesn't have to be a whole lot  
21 of live testimony or that the testimony can be narrowed down  
22 to very narrow areas and that a whole lot of the facts can be  
23 stipulated to. On such and such a date, the F.C.C. sent a  
24 letter. The letter said in pertinent part, this. An opposi-  
25 tion was filed on such and such a date. The opposition in

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1 part said this. You know, things along that line, facts that  
2 aren't in controversy. And then we can basically put the  
3 people up and have their explanations as to why they said  
4 these things and just test that, that I don't need live wit-  
5 nesses to tell me on this date, this happened, and on that  
6 date -- or even documents. It seems to me that you all could  
7 get together. It's going to take a lot of work, but I think  
8 it's -- I think it's possible and it would be fruitful in that  
9 we won't have a long hearing. I'll get to that later because  
10 we don't have the resources to have a very long hearing.

11 MR. SCHATTENFIELD: This would be in Decatur. Is that  
12 correct?

13 JUDGE STEINBERG: Yeah. But wait. We'll talk about  
14 that as the last item. So I'd like you really to give serious  
15 consideration to putting together a stipulated set of facts.  
16 Also, I'd like to encourage the submission of everybody's  
17 direct case in writing. If this guy's got an excuse or what-  
18 ever, put it in writing and that way it's there for everybody  
19 to see and I think it'll make for a faster, cleaner hearing  
20 because the Bureau can, in cross examination, can focus on  
21 just the points that they want to challenge or look into.

22 What I'm trying to say is, for my purposes, I don't  
23 have to hear on the witness stand that something was filed on  
24 such and such a date and I don't have to see the document.  
25 You all can summarize the pertinent parts of the documents in

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1 the stipulation and I'd like to very strongly encourage it and  
2 I think it would make everybody -- in the long run, make  
3 everybody's life a lot easier. So was that at all discussed  
4 in your meeting?

5 MR. SHOOK: Perhaps indirectly in the sense that we  
6 envisioned much of our case to consist of those documents that  
7 form the basis for our request for admission of facts and  
8 genuineness of documents and then it's up to Dixie to explain,  
9 you know, how those documents came to be prepared and how the  
10 representations therein came to be prepared.

11 JUDGE STEINBERG: Okay. Now, you wouldn't be adverse  
12 to working with them on a stipulation, would you?

13 MR. SHOOK: I don't think we would.

14 MR. SCHATTENFIELD: The only -- when we met, I brought  
15 up some people that I'd like as live witnesses if we should  
16 reach the hearing and that's still in the hopper. We disagree  
17 as to whether it's germane and we'll work that out. We -- I  
18 don't want to argue my case. That's my problem. But --

19 JUDGE STEINBERG: Yeah, don't. I don't want to have  
20 argument --

21 MR. SCHATTENFIELD: That's why I'm not doing it.

22 JUDGE STEINBERG: Because I'll tell you, one of the  
23 reasons is I'm not -- I'm not familiar enough with the facts  
24 at this stage to be able to even understand your arguments  
25 because this is -- I read the hearing designation order over

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1 and when I got the case, I read it over again, and I'm not  
2 intimately familiar with all the facts in there yet. You  
3 know, obviously by the hearing, I probably will be.

4 MR. SCHATTENFIELD: At any rate --

5 JUDGE STEINBERG: But I don't have to for today.

6 MR. SCHATTENFIELD: At any rate, there was some discus-  
7 sion of that and I think the Bureau indicated they thought  
8 that that testimony could go in in writing and that's where it  
9 is now. There are people, especially for Decatur, that I  
10 would like to present. But there's been no determination yet.  
11 And we will cooperate. I think we -- we're cooperative  
12 people.

13 JUDGE STEINBERG: Yeah, I can't -- you know, I can't  
14 encourage it too strongly. I really believe that this is --  
15 this is an ideal case for that and that we can -- we can -- if  
16 we need live witnesses, we can put the live witnesses on and  
17 just have testimony in very narrow areas. There's another  
18 possibility and that is after the depositions are taken, I  
19 presume that you're going to -- that Dixie is going to elicit  
20 testimony during the depositions, also. It's not just going  
21 to be the Bureau. Perhaps put in -- you can put in sections  
22 of the depositions in lieu of live testimony. If there's a  
23 fact that you want brought out and the Bureau contests it or  
24 can't stipulate to it, then that would be something for live  
25 testimony. But I would anticipate that would be like, you

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1 know, very narrow areas.

2           To me, the whole -- this whole thing revolves around  
3 the explanations that are going to be offered for the various  
4 statements and the statements are obviously there. The let-  
5 ters, the pleadings, whatever, they say what they say and it's  
6 just a matter of testing the explanations, so I -- I think.  
7 But then there's the E.E.O. issue, which is something we --

8           MR. SCHATTENFIELD: Can we go off the record for a  
9 minute? Because I -- there's something that I think we talked  
10 about and I can't remember what the resolution was.

11           JUDGE STEINBERG: Okay. Let's go off the record.

12           (Off the record.)

13           (On the record.)

14           JUDGE STEINBERG: We're back on the record. Now, we've  
15 had -- let me see. We've discussed the four depositions and  
16 the possible -- more discovery that might lead from those.  
17 Are there any -- is there any other contemplated discovery?

18           MR. SHOOK: It is conceivable that we would have a  
19 request for production of documents that, you know, that we  
20 haven't fully thought through, but there may be some other  
21 documents that we would want to look at. Were we to do that,  
22 we would initiate something relatively soon.

23           JUDGE STEINBERG: Okay. Mr. Schattenfield, and you're  
24 just basically going to rely on the depositions of the people  
25 to -- well, obviously they're your people, or most of them are

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1 | your people, and so you don't have to depose them. You could  
2 | just talk to them. But you'll basically develop evidence  
3 | during the depositions, too.

4 |         MR. SCHATTENFIELD: There might be a couple of people  
5 | I'll want -- the Bureau and we have differing views as to the  
6 | validity of certain approaches and -- which is what I was  
7 | alluding to before -- and it might be -- I don't know yet, but  
8 | I can say this, that I think we will be able to cooperate  
9 | fully with the Bureau and the Bureau with us. We have no wish  
10 | to make this a federal case, although it is already.

11 |         JUDGE STEINBERG: Okay. Let me just -- you both have  
12 | -- actually everybody in this room has heard this before.  
13 | Maybe Mr. Schonman hasn't. But with regard to discovery, I  
14 | would request that you make a good faith attempt to work out  
15 | any differences that you might have among yourselves. A  
16 | serious and genuine effort should be made to reach a com-  
17 | promise with each other if you do disagree.

18 |         Please don't come to me for a ruling on a discovery --  
19 | on a discovery matter without first attempting to reach an  
20 | agreement yourselves. Only if you can't reach an agreement,  
21 | if there's a complete inability to reach an agreement or an  
22 | accommodation, then come to me for a ruling. I don't want you  
23 | -- and this happened in another case that we were involved in,  
24 | which will remain nameless, where all sorts of discovery  
25 | requests and motions to compel and this and that were filed in

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1 the first instance without bothering to just try to reach an  
2 accommodation. Basically, pick up the phone, talk it out. If  
3 you can't talk it out, if you can't reach an agreement, then  
4 file something with me.

5           Okay. Now, the final thing that I want to discuss is  
6 for planning purposes. I'll tell you candidly, we don't have  
7 hardly any money and hardly any travel funds. If this case  
8 does go to hearing, it can't last more than Tuesday,  
9 Wednesday, Thursday, Friday because there's no money available  
10 for it to go any longer and if we have to squeeze ten wit-  
11 nesses in four days, we'll just be working real late.

12           MR. SCHATTENFIELD: That's my time of day, sir.

13           JUDGE STEINBERG: I know it's your time of day, so  
14 we'll start real early, which is my time of day.

15           MR. SCHATTENFIELD: Well, we'll get together and talk  
16 about it.

17           JUDGE STEINBERG: Okay. Do you have -- is there any  
18 kind of estimate that you may be able to give me as to how  
19 many witnesses you think will be presented or how many days  
20 you think the hearing will go? Because Judge Stirmer asked me  
21 to ask you because we've got to ask for money.

22           MR. SCHATTENFIELD: We've identified those four people  
23 and I don't know that there'll be any more than that. From  
24 the Bureau's standpoint, they would have to see for them-  
25 selves. And as we told them, if anybody else surfaces, then

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1 it's other one. But the four -- I don't even know if we'll  
2 use the whole four. Once their depositions are taken, it  
3 might be that one or two will be all I'll need and then I  
4 might do some community type things, but I -- that's up in the  
5 air at this point because I don't know whether that's relevant  
6 in these kind of cases.

7 JUDGE STEINBERG: I don't --

8 MR. SCHATTENFIELD: I'm not sure. I'm not sure.

9 JUDGE STEINBERG: I don't think it is, but we can --  
10 but we can argue about that if you propose it. You mean  
11 community witnesses testifying as to how great the station is?

12 MR. SCHATTENFIELD: Well, we --

13 JUDGE STEINBERG: I think in misrepresentation type  
14 cases, it can't be mitigated by something like that.

15 MR. SCHATTENFIELD: I think you're right.

16 JUDGE STEINBERG: I think there are old cases that say  
17 that.

18 MR. SCHATTENFIELD: I think you're right, but that's  
19 not exactly what I had in mind. But we'll cross that bridge  
20 when we get to it.

21 JUDGE STEINBERG: This was another reason why I  
22 encouraged the use of depositions and stipulation instead of  
23 live witnesses, is because of the money problem and if we have  
24 the problem, the Bureau's got the problem.

25 MR. SHOOK: Your Honor, we don't have any, you know,

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1 witnesses in mind for our rebuttal case, other than those  
2 people who we would depose.

3 JUDGE STEINBERG: Okay. And again, if we can just  
4 concentrate on very narrow areas of testimony, that would  
5 shorten everything, too. And then there's another thing I'm  
6 going to throw out which you can think about and that is the  
7 possibility of moving the hearing to Washington so that at  
8 least the government won't be using travel funds. Now, this  
9 puts a burden on the station in terms of having its people  
10 absent from the station while they travel to Washington to  
11 testify and these are small stations, I presume.

12 MR. SCHATTENFIELD: Small stations, small time.

13 JUDGE STEINBERG: And so it might be a case of accom-  
14 modating their schedules. In other words, moving -- maybe we  
15 can't have everybody on February 2nd because the station can't  
16 afford to have everybody missing at the same time. We encoun-  
17 tered this in that other case where we -- maybe we can have a  
18 session one day and then skip a day and then another day in  
19 Washington. That's something, you know, I can't order. I  
20 can't say, "The hearing will be held in Washington," because  
21 it's Commission policy to have renewal hearings in the field.  
22 I can't.

23 MR. SCHATTENFIELD: In the Longmont case --

24 JUDGE STEINBERG: That was different.

25 MR. SCHATTENFIELD: That was different?

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1 JUDGE STEINBERG: Yeah. Don't ask me how, but I'll  
2 think -- I mean, if you ask me how, you have to let me have  
3 time to think about how it was different.

4 MR. SCHATTENFIELD: Because I wanted it out there. I  
5 lost that one.

6 JUDGE STEINBERG: Well, it was because of the community  
7 witnesses. That's the only aspect that would've been out  
8 there. That was a compara-- that's why. That was a compara-  
9 tive renewal and the straight comparative stuff is held in  
10 Washington and the renewal stuff is usually held out in the  
11 field, but everybody agreed to have as you see here. Some-  
12 thing like that which is as good as I can do on the spur of  
13 the moment.

14 MR. SCHATTENFIELD: I'll accept that.

15 JUDGE STEINBERG: Which I think is pretty -- is pretty  
16 good. But I'm saying I don't think I can direct that the  
17 hearing be held in Washington. But that's something that if  
18 you can reach an agreement on and have a joint request that  
19 the hearing be moved here, you know, I'm willing to accom-  
20 modate the schedules of the perspective witnesses.

21 But again, I also want everything to be -- the issues  
22 or the questions remaining for the hearing from live witnesses  
23 to be narrowed down to the greatest extent possible, even if  
24 it's here. But that's something you might want to explore  
25 between yourselves. Okay. I'm finished with the things that

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1 I wanted to discuss. Is there anything that you want to  
2 discuss?

3 MR. SHOOK: There's nothing we need to discuss, Your  
4 Honor.

5 JUDGE STEINBERG: Okay. Then I think we can recess  
6 until the next -- our next scheduled meeting would be the  
7 January 21st admissions session. If you need a conference  
8 before that date, let me know and I'll schedule another --  
9 first I'll try to talk you out of it and then if I can't talk  
10 you out of it, I'll schedule another conference.

11 MR. SCHATTENFIELD: The only thing I can think of is  
12 that assuming that the depositions satisfied the Bureau, I  
13 would think instead of filing something, we could have a short  
14 conference to put it -- to ask for a stay of the hearing date  
15 so that the motion for summary judgement can be filed, which  
16 we might file anyhow.

17 JUDGE STEINBERG: Okay. Why don't we cross that bridge  
18 when we come to it? I think that this is something -- maybe  
19 after the depositions, the Bureau will probably need a period  
20 of time to reflect upon what happened and then maybe you can  
21 discuss it at that time with Bureau counsel and see which way  
22 they're leaning and then if -- we'll have another conference  
23 if necessary.

24 I have to take a lot of leave otherwise I'm going to  
25 lose it and I haven't firmed up my plans as to when I'm going

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1 to take it. But if it's a question of coming in for a -- I'm  
2 not going anywhere. But if it's a question of coming in just,  
3 you know, for a conference, I'm more than willing to do that,  
4 especially if it's going to expedite something. Okay. Then  
5 we'll stand in recess until the next time that we convene.  
6 Thank you very much.

7 (Whereupon, at 9:40 a.m. on Wednesday, October 21,  
8 1992, the prehearing conference adjourned.)  
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5 Washington, D.C.  
6 Place of Hearing  
7 Wednesday, October 21, 1992  
Date of Hearing  
8  
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